

### **REMARKS/ARGUMENTS**

Claims 1-20 are pending in this application. Claims 1-20 have been rejected. Claims 1, 8, 13, and 20 have been amended solely to address the § 112, first paragraph, rejection of claims 1-20. No new matter has been added.

In view of foregoing amendments and following remarks, Applicants request allowance of the Application.

### **INTERVIEW SUMMARY**

Applicants thank Examiner Hoang for the courtesies extended to Applicants' representative in the telephonic interview conducted on July 7, 2009, and provide this timely Statement of the Substance of the Interview in compliance with MPEP § 713.04.

During the interview, Applicants' representative and the Examiner discussed the § 112, first paragraph, rejection of claims 1-20. Applicants' representative also explained the distinction between the cited Sudharshana reference and pending independent claim 1, with the Examiner agreeing to reconsider the §103(a) rejections and conduct a new search upon the filing of this Response.

### **CLAIMS 1-20 ARE FULLY SUPPORTED BY THE SPECIFICATION**

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to include support in the specification for the limitations "*if the determine associated configuration parameter is not located in the registry associated with the mobile device, initiating a process...*" (emphasis added by the Office Action of March 24, 2009, p. 3), as recited in claim 1.

Although Applicants believe pending claims 1-20 are fully supported by the specification, in the interests of advancing prosecution in the case, Applicants have amended independent claims 1, 8, 13, and 20 pursuant to the Examiner's Interview conducted on July 7, 2009. In light of the claim amendments, Applicants respectfully submit the § 112, first paragraph, rejection of claims 1-20 is moot. Withdrawal of the § 112, first paragraph, rejection is respectfully requested.

**CLAIMS 1-20 DEFINE OVER MULTER IN VIEW OF SONG AND FURTHER IN VIEW OF VERT AND CHASMAN AND SUDHARSHANA**

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly rendered obvious over U.S. Publication No. 2002/0040369 to Multer et al., (hereinafter "Multer"), in view of U.S. Publication No. 2003/0065947 to Song et al., (hereinafter "Song"), and further in view of U.S. Publication No. 2001/0008019 to Vert et al., (hereinafter "Vert"), U.S. Publication No. 2007/0180075 to Chasman et al., (hereinafter "Chasman"), and "OTA Mobile Device Software Management" to Sudharshana et al. (hereinafter "Sudharshana").

Multer, Song, Vert, Chasman, and Sudharshana, either alone or in combination, fail to teach or suggest every limitation of independent claims 1, 8, 13, and 20, as is required to maintain a proper § 103(a) rejection.

Consider, claim 1, as amended, which recites in part the following subject matter:

querying, in the descriptor file, the registry associated with the mobile device to determine whether to configure the mobile device using the determined associated configuration parameter; and

**retrieving**, from an application resources database, **an application resource** to be deployed to the mobile device **using a generated resource identifier (ID)**, wherein the **generated resource ID is generated from both the associated device profile and the associated configuration parameter;**

The Office Action admits Multer, Song, Vert, and Chasman fail to teach or suggest this subject matter. *See* Office Action of March 24, 2009, p. 7. The Office Action alleges Sudharshana remedies the deficiencies of Multer, Song, Vert, and Chasman. Applicants respectfully disagree. Sudharshana generally discusses a software architecture for over the air management of software on a mobile device. *See* Sudharshana, p. 1, col. 1, Abstract. Software on a mobile equipment (ME) can be upgraded by applying software patches during an over the air synchronization process between a management server and a management client. Sudharshana, p. 2, col. 2, section 3.1 and FIGS. 2 and 3. Sudharshana describes a management server that maintains a Management Information Base (MIB), which stores different software patches that a ME needs to download. These patches are generated by an Application Patch Generator. The patch is stored in the MIB with its description, software

version, Mobile Equipment model ID for which the patch is applicable, and resource requirement for installation of the patch on the Mobile Equipment. Sudharshana, p. 4, section 3.11. Even though each patch is stored with this information, each new patch is assigned a "unique ID" (emphasis added) when generated. Sudharshana, p. 4, section 3.11. Sudharshana contains no teaching or suggestion that this unique ID is anything other than an arbitrarily assigned unique ID. Thus, Sudharshana's patch ID clearly is not generated based on both a device profile and configuration parameter, as is recited in claim 1.

For at least this reason, Multer, Song, Vert, Chasman, and Sudharshana, either alone or in combination, fail to teach or suggest every element of independent claim 1, as is required to maintain a proper § 103(a) rejection. Independent claims 8, 13, and 20 are not rendered obvious by these references for similar reasons. Claims 2-7, 9-12, and 14-19 depend from independent claims 1, 8, and 13 and are similarly not rendered obvious for these reasons. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 103(a).

### **CONCLUSION**

All outstanding rejections have been overcome. In view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. **11-0600**.

Serial No.: 10/720,073

Response to Non-Compliant Amendment: August 25, 2009

Reply to Notice of Non-Compliant Amendment dated July 27, 2009

The Office is invited to contact the undersigned at (408) 975-7500 to discuss any matter regarding this application.

Respectfully submitted,

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Date: August 25, 2009

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